

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MADISON and CRYSTAL DOWNS,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:05-CV-316
)	(Jordan/Shirley)
CARSON-NEWMAN COLLEGE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 22] of the Honorable Leon Jordan, United States District Judge, for disposition of Defendant Carson-Newman College's Motion for Sanctions [Doc. 21].

The defendant Carson-Newman College ("Carson-Newman") moves the Court for an Order imposing sanctions against the plaintiffs for their failure to serve responses to Carson-Newman's First Set of Interrogatories and Requests for Production of Documents. [Doc. 21]. Specifically, Carson-Newman moves the Court for an Order dismissing with prejudice the plaintiffs' claims, or in the alternative, an Order refusing to allow the plaintiffs to support their claims in this matter or from introducing certain matters into evidence. In the event that the Court does not dismiss the plaintiffs' claims, Carson-Newman seeks an Order compelling the plaintiffs to respond to the defendant's discovery requests and to make themselves available for their depositions. The defendant further seeks an Order requiring the plaintiff to pay the fees and expenses incurred by the defendant in prosecuting this motion. The defendant's counsel certifies in the motion that he has

attempted in good faith to confer with the plaintiffs' counsel in an effort to secure the requested information without court intervention.

The plaintiffs failed to file a response to the defendant's motion within the time period required by E.D.TN. LR 7.1(a). "Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought." E.D.TN. LR 7.2.

For good cause shown, Defendant Carson-Newman College's Motion for Sanctions [Doc. 21] is **GRANTED** to the extent that the plaintiffs Madison and Crystal Downs are **DIRECTED** (1) to serve responses to the defendant's First Set of Interrogatories and Requests for Production of Documents within twenty (20) days of the entry of this Order and (2) to make themselves available for deposition within thirty (30) days of the entry of this Order.

The defendant's requests for sanctions and for an award of fees and expenses [Doc. 21] is **DENIED** at this time. However, the plaintiffs are hereby put on notice that failure to cooperate in discovery and to follow the Orders of this Court may result in monetary sanctions and possibly the dismissal of this lawsuit. See Fed. R. Civ. P. 37(b)(2)(C).¹

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹Plaintiffs' counsel, Margaret B. Held, has now moved to withdraw from this case on two separate occasions. [Docs. 17, 26]. However, both motions have been denied by the District Court for failure to comply with the Local Rules. [Docs. 18, 27]. The Court expects Ms. Held to comply with this Order and any other Orders of the Court so long as she remains counsel of record.